

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

RONALD MOORE, an individual,
Plaintiff,

v.

WELLS FARGO BANK, N.A., a
business entity; and DOES 1 through
10, inclusive,
Defendants.

CASE NO. 14cv1342-GPC-RBB

ORDER:

**(1) GRANTING DEFENDANT'S
MOTION TO DISMISS;**

**(2) DENYING AS MOOT
DEFENDANT'S REQUEST FOR
JUDICIAL NOTICE;**

(3) VACATING HEARING DATE

[Dkt. No. 11.]

On October 21, 2014, Defendant Wells Fargo Bank, N.A. ("Defendant") filed a Motion to Dismiss Plaintiff Ronald Moore's ("Plaintiff") First Amended Complaint, as well as a Request for Judicial Notice. (Dkt. Nos. 11-13.) The Court set a briefing schedule requiring Plaintiff to file a response by November 14, 2014. (Dkt. No. 14.) To date, Plaintiff has not filed an opposition.

Civil Local Rule 7.1.e.2. requires a party opposing a motion to file an opposition or statement of non-opposition within fourteen calendar days of the noticed hearing. Failure to comply with these rules "may constitute a consent to the granting of a motion." Civ. Local R. 7.1.f.3.c. District courts have broad discretion to enact and apply local rules, including dismissal of a case for failure to comply with the local rules. *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (affirming

1 grant of an unopposed motion to dismiss under local rule by deeming a pro se
2 litigant's failure to oppose as consent to granting the motion); *United States v.*
3 *Warren*, 601 F.2d 471, 474 (9th Cir. 1979). Before dismissing an action for failure
4 to comply with local rules, the district court “weigh[s] several factors: ‘(1) the
5 public’s interest in expeditious resolution of litigation; (2) the court’s need to
6 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy
7 favoring disposition of cases of their merits; and (5) the availability of less drastic
8 sanctions.’” *Ghazali*, 46 F.3d at 53 (quoting *Henderson v. Duncan*, 779 F.2d 1421,
9 1423 (9th Cir. 1986)).

10 Here, the Court concludes that “the public’s interest in expeditious resolution
11 of litigation,” “the court’s need to manage its docket,” and “the risk of prejudice to
12 the defendants” weigh in favor of granting the Motion to Dismiss based on
13 Plaintiff’s failure to file an opposition. *See Ghazali*, 46 F.3d at 53. The majority of
14 these factors weigh in favor of dismissal.

15 Because Plaintiff has failed to comply with Civil Local Rule 7.1.f.3.c, the
16 Court finds good cause to grant Defendant’s unopposed motions to dismiss. The
17 Court’s docket reflects that Plaintiff was served with a copy of the motion and the
18 Court’s briefing schedule. Accordingly, the Court **GRANTS** Defendant’s motion to
19 dismiss as unopposed. *See* Civ. Local R. 7.1.f.3.c; *see also Ghazali*, 46 F.3d at 53.
20 In addition, the Court **DENIES AS MOOT** Defendant’s request for judicial notice,
21 without prejudice to any later re-filing.

22 IT IS HEREBY ORDERED that Plaintiff’s First Amended Complaint is
23 **DISMISSED WITHOUT PREJUDICE**, and the hearing on Defendant’s Motion
24 to Dismiss, currently set for December 12, 2014 at 1:30 p.m., is **VACATED**.

25 **IT IS SO ORDERED.**
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1 DATED: December 5, 2014

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4 HON. GONZALO P. CURIEL
5 United States District Judge
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